

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH MOORE LAUGHLIN,

Plaintiff,

NO. C11-0530 TEH

VMWARE, INC.,

Defendant.

**ORDER TRANSFERRING CASE
TO SAN JOSE DIVISION**

The Court has reviewed Defendant VMware, Inc.'s motion for administrative relief to transfer this case to the San Jose division, and the time for opposing such a motion has now expired. With good cause appearing for the reasons set forth below, the motion is GRANTED.

15 Under Civil Local Rule 3-2(c), a “civil action arises in the county in which a
16 substantial part of the events or omissions which give rise to the claim occurred or in which a
17 substantial part of the property that is the subject of the action is situated.” Civil actions
18 “aris[ing] in the counties of Santa Clara, Santa Cruz, San Benito or Monterey shall be
19 assigned to the San Jose Division.”¹ Civ. L.R. 3-2(e). The parties do not dispute that
20 VMWare, Inc. is located in Palo Alto, California, which is in Santa Clara County, or that the
21 claims in this case are based on events alleged to have occurred there. Thus, assignment to
22 the San Jose Division is proper, and this case should have been assigned there initially.
23 Indeed, that would have been the likely result had Plaintiff complied with Civil Local Rule
24 3-5(b), which requires each complaint to “include a paragraph entitled ‘Intradistrict

¹This case does not fall into one of the excepted categories that are assigned on a district-wide basis. Civ. L.R. 3-2(c) (excepting “Intellectual Property Actions, Securities Class Actions and Capital and Noncapital Prisoner Petitions or Prisoner Civil Rights Actions” from the county-based assignment plan).

1 Assignment” that identifies “any basis for assignment to a particular location or division of
2 the Court pursuant to Civil L.R. 3-2(c).”

3 Civil Local Rule 3-2(h) provides that:

4 Whenever a Judge finds, upon the Judge’s own motion or the
5 motion of any party, that a civil action has not been assigned to
6 the proper division within this district in accordance with this
7 rule, or that the convenience of parties and witnesses and the
interests of justice will be served by transferring the action to a
different division within the district, the Judge may order such
transfer, subject to the provisions of the Court’s Assignment Plan.

8 Accordingly, with good cause appearing, IT IS HEREBY ORDERED that this action be
9 transferred to the San Jose Division of this Court and reassigned in accordance with the
10 Court’s Assignment Plan.

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12 **IT IS SO ORDERED.**

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14 Dated: 03/23/11


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THELTON E. HENDERSON, JUDGE
16 UNITED STATES DISTRICT COURT